GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Grama Panchayats - East Godavari district – Cancellation of the resolution passed by Vakalapudi Gram Panchayat – De-notification of Gram Panchayat for inclusion of Kakinada Municipal Corporation – Rectification orders issued in pursuance of the orders of the Hon'ble High Court of Andhra Pradesh - Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (PTS.III) DEPARTMENT

G.O.MS.No. 104 **Dated: 03.11.2015.**

Read the following:-

1. Memo.No.2151/Pts.IV/A1/2012-3, dt.20.3.2013
2. G.O.Ms.No.367 PR&RD(PTS.IV) Dept., dt.29.7.2013
3. G.O.Ms.No.367, MA&UD (Ele.II) Dept., dt.29.7.2013.
4. Orders dt.21.10.2013 of the Hon'ble High Court, in PIL.Nos.183 & 242 of 2013 & other batch cases.

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ORDER:

In the Government memo 1st read above, Government have issued showcase notice to Vakalapudi Gram Panchayat in East Godavari District under Section 246 (1) of the Andhra Pradesh Panchayat Raj Act, 1994 read with Rule 12 (2) of the Andhra Pradesh Gram Panchayat (declaration of Villages) Rules, 2007 issued in G.O.Ms.No.542, PR&RD (Pts.IV) Dept., dt.3.12.2007 as to why the resolution No. 35, dt.4.12.2012 passed by the Vakalapudi Gram Panchayat cannot be cancelled and included into Kakinada Municipal Corporation. After receiving the replies from Gram Panchayats, Government have cancelled the resolution passed by the Vakalapudi Gram Panchayat which were opposing for merging into Kakinada Municipal Corporation and Notification was also issued to that effect in the GO 2nd read above. In the G.O 3rd read above, orders have been issued including said Gram Panchayats into Kakinada Municipal Corporation.

2. Aggrieved by the above orders, Sri K.Surya Narayana Nehru and others have filed PIL Nos.183 & 242 of 2013 and other batch cases in AP High Court at Hyderabad and the Hon'ble High Court in its orders dt.21.10.2013 held that:

> "----We are of the view that when the provision under Section 246 of the Act has been invoked, it should have been invoked in true and complete sense. The aforesaid provision requires that the Government shall pass an order of cancellation on certain grounds as mentioned therein. No such order of cancellation has expressly been passed by the respondents on the views or resolutions adopted by the concerned Gram Panchayats. We think that such decision is a sine qua non when the procedure has been adopted by the Government itself.
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> Accordingly, the Hon'ble High Court has directed the Government to take a decision in the light of the provisions of Section 246 of the Act for cancellation of the resolutions adopted by the concerned Gram Panchayats. Such decision shall be taken in accordance with law within a period of eight weeks from the date of receipt of a copy of the order and such decision will abide by the decision of the inclusion of these Panchayat areas with the Kakinada Municipal Corporation."

(P.T.O)

3. Government is empowered to take a decision and de-notification of Gram Panchayats in accordance with section 3 of the Andhra Pradesh Panchayat Raj Act, 1994. It is not required to invoke section 246 of the Andhra Pradesh Panchayat Raj Act, 1994 as mentioned in Notification-I issued in the G.O 2nd read above.

4. Now, therefore, in pursuance of the orders of the Hon'ble High Court dt.21.10.2013 in the reference 4th read above, and after careful examination of the entire issue, Government have decided to amend the G.O.Ms.No.367 PR&RD(Pts.IV) Dept., dt.29.7.2013.

5. Accordingly, the following amendments will be published in an Extraordinary issue of the Andhra Pradesh Gazette, Dated:07.11.2015.

AMENDMENTS

In the said G.O :-

(1) "NOTIFICATION – I" shall be omitted.
(2) " NOTIFICATION – II" shall be read as "NOTIFICATION".

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR. K.S. JAWAHAR REDDY
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Printing & Stationary and Stores Purchase, Hyderabad
(with a request to publish the above amendment in the AP Gazette on 07.11.2015 and furnish 25 copies to the Government).
The District Collector, East Godavari District at Kakinada.
The Commissioner, Panchayat Raj & Rural Development, AP, Hyderabad
The District Panchayat Officer, East Godavari District at Kakinada.
Copy to:
The Municipal Administration & Uraban Development (Elec) Department.
The Petitioners through District Collector.
The Law(F) Department.
O.S.D. /P.S. to the Hon'ble M (PR&RWS)
SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER